

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
June 27, 2002**

PRESENT: Rebecca Dysland (by telephone), Richard Hinsman, James Imhoff, Jr., Richard Kollmansberger, Harold (Hal) Lee, and Nancy Gerrard (by telephone)

EXCUSED: Maria Watts

STAFF PRESENT: Cletus Hansen and William Black, Legal Counsel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Peter Sveum, Board Member Nominee
Richard Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:40 a. m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

MOTION: Hal Lee moved, seconded by Richard Hinsman, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (5/23/02)

MOTION: Richard Kollmansberger, moved, seconded by Richard Hinsman, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Greg Horstman

Deputy Secretary, Greg Horstman, briefly discussed the Board Member Workshop and the accomplishments of the Department during the past year. He acknowledged that three board members were in attendance at the Workshop.

Clete Hansen

- **Board Roster**

Jim Imhoff announced that his plans at this time are to resign as a member of the Board following the August meeting.

- **Meeting Dates for 2002**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules – June 4, 2002**

Noted

- **To-Do List**

Noted

- **To-Pass Folder**

The folder contained a copy of the Case Status Report. It was routed to Board members.

LEGISLATION

Update re: Legislation That Relates to Real Estate

There was no new information to provide to the Board at this meeting.

REPORT OF THE REAL ESTATE LAW REVIEW COMMITTEE

Committee members agreed to meet at 1:30 p.m. on Wednesday, July 24, 2002. Richard Hinsman requested that a hotel room be reserved for him.

COUNCIL OF REAL ESTATE CURRICULUM AND EXAMINATIONS

Nancy Gerrard and Clete Hansen announced that the next Council meeting would be at 12:30 p.m. on Thursday, July 25, 2002. Clete Hansen stated that the Council has several very significant issues on its agenda, including the contents of pre-license courses, the contents of the national salesperson's exam and the contents of the Wisconsin broker's exam.

DISCLOSURE REGARDING COMMISSION SPLITS

The Board discussed this issue again and decided that no changes in the administrative rules are needed at this time. The Board again advised that an article be placed in the next issue of the Regulatory Digest, informing licensees that, if a broker will only split a commission at a percentage that is noticeably below the splits in the marketing area, the broker should address this issue in the listing contract with the seller.

CORRESPONDENCE REGARDING A BUYER AGENCY CONTRACT

The Board informally concurred with the conclusions reached by William Black in his memo of June 13, 2002, relating to provisions in a buyer agency agreement that were discussed by Daniel Sinykin in his letter of April 26, 2002. Generally, the Board members expressed concern about the vague way in which the provisions are written, thus, possibly, resulting in problems. The Board informally requested that this matter be discussed in the next issue of the Regulatory Digest.

MISCELLANEOUS CORRESPONDENCE

Nothing.

PUBLIC COMMENT

None over and above those already made to the Board.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

DOE prosecutors were available to present two stipulations; however, the Board had no questions at this time and no oral presentations were made.

RECESS TO CLOSED SESSION

MOTION: Richard Hinsman moved, seconded by Richard Kollmansberger, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the investigation of charges against licensees. Specifically, to discuss case closings and the Case Status Report, proposed administrative warnings, proposed stipulations and a monitoring report, if the DOE monitor has a report to be made. Motion carried unanimously by a roll call vote: Nancy Gerrard - yes; Jim Imhoff - yes; Harold Lee - yes; Becky Dysland – yes; Richard Kollmansberger and Richard Hinsman - yes.

Open Session recessed at 11:35 p. m.

Two copies of the Division of Enforcement Case Status Report were made available to Board members.

The Board deliberated on case closings, two administrative warnings and two stipulations. Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Hal Lee, to adjourn the Closed Session and to reconvene in Open Session. Motion carried unanimously.

The Open Session reconvened at 11:45 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Richard Hinsman moved, seconded by Hal Lee, to close the following cases presented by the Division of Enforcement for closing. Motion carried. (Becky Dysland abstained from voting as to 00 REB 124.)

97 REB 276 – P3 as to Roelli	01 REB 153 - NV
00 REB 076 - NV	02 REB 065 - NV
00 REB 124 – P1	
01 REB 003 – P5	

ADMINISTRATIVE WARNINGS

Ronald T. Restaino (Madison, WI)

MOTION: Richard Hinsman moved, seconded by Richard Kollmansberger, to accept the proposed administrative warning to be issued to Ronald T. Restaino. Motion carried unanimously.

Dayl F. Rosenthal (Corss Plains, WI)

MOTION: Richard Hinsman moved, seconded by Richard Kollmansberger, to accept the proposed administrative warning to be issued to Dayl F. Rosenthal. Motion carried unanimously.

STIPULATIONS

Joseph P. McFadden (Wisconsin Dells, WI)

MOTION: Richard Kollmansberger moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Joseph P. McFadden. Motion carried unanimously.

Curt W. Mauer (Kohler, WI)

MOTION: Hal Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Curt W. Mauer. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 11:48 p.m.